

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT KELLY WALTERS,

Plaintiff,

No. CIV S-02-1784 DFL JFM P

vs.

R. CASTRO, et al.,

Defendants.

ORDER

Pursuant to the order of this court filed July 14, 2004, plaintiff has submitted direct questions for the deposition by written questions of non-party Dr. Andrew Cochrane. Defendants Department of Corrections, Hlusak, Hooper, Castro, O'Barr, Barkley, Baron, Gillett, Martin, Rhee, Srikreja, Sandham and Wilson have submitted objections to some of the proposed questions.¹ Specifically, defendants object to questions 13, 26, 27, 30, 31, 33, 34, 37, 38, 40, 44, 46, 47, 48, 52, 53, 54, 55, 56, and 57. Plaintiff has not filed a response to defendants' objections. The court has reviewed plaintiff's proposed questions and defendants' objections thereto. Upon completion of said review, the court finds that defendants' objections to proposed questions 13,

¹ Defendant Steen also submitted objections to the proposed questions. However, defendant Steen has been dismissed from this action. (See Order filed October 4, 2004.) Accordingly, the court will consider only the objections filed by the above-referenced defendants.

37, 38, 40, 44, and 48 are well-taken and will therefore be sustained. In addition, defendants object to questions 52 through 57 on two grounds, including that the exhibit to which the objection refers speaks for itself. That objection is well-taken and will therefore be sustained as to each of those questions. Defendants' remaining objections are without merit and are overruled.

The court now orders the clerk to forward a copy of the questions to the deponent along with a subpoena issued by the court and a copy of this order. The deponent shall write out the answers to questions 1 through 12, questions 14 through 36, question 39, questions 41 through 43, questions 45 through 47, and 49 through 51 on the forms provided, swear to their truthfulness, and return them to the court. The clerk shall then forward copies of the answers to the parties. Counsel for defendants are ordered to provide such assistance as is required to effectuate this order. The deposition shall occur within thirty days from the date of this order.

In accordance with the above, IT IS HEREBY ORDERED that:

1. The clerk of the court is ordered to forward the subpoena, a copy of this order, and a copy of the written deposition questions (document #163) to Andrew Cochrane, M.D., North Coast Ophthalmology Medical Associates, 2840 O'Neil Lane, Eureka, CA 95503.

2. Dr. Cochrane shall return the verified responses to questions pursuant to subpoena to the court no later than thirty days after the date of this order; and

3. Upon receipt of the deposition answers, the clerk of the court shall forward copies to the parties.

DATED: May 25, 2005.


UNITED STATES MAGISTRATE JUDGE

12;walt1784.415